



PUBLIC NOTICE

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DA 07-4479
October 31, 2007

DOMESTIC SECTION 214 AUTHORIZATION GRANTED

Application Filed for the Transfer of Control of SJI, LLC to Boston Ventures Limited Partnership VII

WC Docket No. 07-202

By the Chief, Wireline Competition Bureau:

On September 11, 2007, SJI, LLC, the parent company of Lafourche Telephone Company, LLC and SJI Networks, LLC d/b/a Latelco Long Distance, and Boston Ventures Limited Partnership VII (collectively, Applicants), filed an application, pursuant to sections 63.03 and 63.04 of the Commission's rules,¹ requesting authority to transfer control of SJI to Boston Ventures.

The Commission released a public notice accepting the application for streamlined processing on September 19, 2007.² On October 3, 2007, the Department of Homeland Security, with the concurrence of the Department of Justice, including the Federal Bureau of Investigation (collectively, the Executive Branch Agencies), filed a letter requesting that the Commission defer grant of this application while the Executive Branch Agencies address potential national security, law enforcement, and public safety concerns.³ In response to the request, the Wireline Competition Bureau removed the application from streamlined review.⁴ On October 25, 2007, the Executive Branch Agencies withdrew their October 3, 2007 request to defer action stating that they have no objection to a grant of the application.⁵

The Wireline Competition Bureau finds, upon consideration of the record, that grant of the application will serve the public interest, convenience, and necessity. Upon consummation of the transaction, the resulting entity will have a market share in the U.S. interstate interexchange market of less than 10 percent, and will provide competitive telephone exchange services or exchange access

¹ 47 C.F.R. §§ 63.03, 63.04; *see* 47 U.S.C. § 214.

² *Domestic Section 214 Application Filed For the Transfer of Control of SJI, LLC to Boston Ventures Limited Partnership VII*, WC Docket No. 07-202, Public Notice, DA 07-3970 (rel. Sept. 19, 2007).

³ Letter from Stephen Heifetz, Director, Foreign Financial and Investment Issues, United States Department of Homeland Security, to Marlene H. Dortch, FCC, WC Docket No. 07-202 (filed Oct. 3, 2007).

⁴ *Notice of Removal of Domestic Section 214 Application From Streamlined Treatment*, WC Docket No. 07-202, Public Notice, DA 07-4209 (rel. Oct. 11, 2007).

⁵ Letter from Gregory Pinto, Director, Regulatory Policy, United States Department of Homeland Security, to Marlene H. Dortch, FCC, WC Docket No. 07-202 (filed Oct. 25, 2007).

services (if at all) exclusively in geographic areas served by a dominant local exchange carrier in the U.S. that is not a party to the transaction. In addition, Applicants' incumbent local exchange carriers have, in combination, fewer than two percent of the nation's subscriber lines installed in the aggregate nationwide, and no overlapping or adjacent service areas.

Consistent with Commission precedent, the Wireline Competition Bureau accords the appropriate level of deference to the Executive Branch Agencies' expertise on national security and law enforcement issues.⁶ Therefore, pursuant to section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 0.291 of the Commission's rules, 47 C.F.R. § 0.291, the Wireline Competition Bureau hereby grants the application discussed in this Public Notice.

Pursuant to section 1.103 of the Commission's rules, 47 C.F.R. § 1.103, the grant is effective upon release of this Public Notice. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of this Public Notice.

For further information, please contact Jodie May at (202) 418-0913, Competition Policy Division, Wireline Competition Bureau.

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⁶ The Commission considers national security, law enforcement, foreign policy, and trade policy concerns when analyzing a transfer of control or assignment application in which foreign ownership is an issue. *See Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Satellites Providing Domestic and International Service in the United States*, Report and Order, 12 FCC Rcd 24094, 24170-72, paras. 178-82 (1997); *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891, 23919-21, paras. 61-66 (1997) ("*Foreign Participation Order*"), Order on Reconsideration, 15 FCC Rcd 18158 (2000). In assessing the public interest, the Commission considers the record and accords the appropriate level of deference to Executive Branch expertise on national security and law enforcement issues. *See Foreign Participation Order*, 12 FCC Rcd at 23919-21, paras. 61-66.